

SENATE BILL 2151

By Ketron

AN ACT to amend Tennessee Code Annotated, Title 20;  
Title 29; Title 49 and Title 70, Chapter 7, relative to  
recreational land use.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 70, Chapter 7, Part 1, is amended by  
deleting the Part in its entirety and by substituting instead the following:

70-7-101.

As used in this part, unless the context otherwise requires:

(1) "Charge" means an admission price or usage fee required by  
a landowner in exchange for permitting a person to access or use the  
landowner's land for recreational purposes, provided that charge does not  
mean a nominal fee asked by a landowner to offset the cost associated  
with maintaining the recreational portion of the land;

(2) "Land" means all real property, private ways, waterways, and  
any landscaping, structures, fixtures and equipment thereon; provided,  
however, land does not include the landowner's principal place of  
residence, any improvement erected that immediately surrounds the  
residence, any swimming pool, hot tub, or Jacuzzi;

(3) "Landowner" means the legal title holder or owner of land, the  
person entitled to immediate possession of the land, or any lessee,  
occupant or other person in control of the land, whether a public or private  
entity; and

(4) "Recreational activity" means an activity, whether on land, air  
or water, undertaken for education, pleasure, relaxation, or sport,

regardless of whether any type of equipment, motor, or other device is required for participation.

70-7-102.

(a) A landowner owes no duty of care to keep land safe for recreational activities, to keep paths, roads, equipment or other improvements that are necessary and customarily used in a recreational activity safe for recreational activity, or to warn against hazardous conditions, uses of, structures or activities on the land if the landowner directly or indirectly invites or grants permission for a person to use the landowner's land without charge for the purpose of recreational activity.

(b) Notwithstanding subsection (a), this section shall not apply:

(1) Where the landowner's act or omission constitutes gross negligence or intentional conduct, and the gross negligence or intentional conduct is the cause of the injury;

(2) Where the landowner charges a person using the landowner's land;

(3) Where the landowner directly or indirectly invites or permits a person to access or use the land for recreational purposes when the invitation or permission is given for the purpose of sales promotion, advertising or public goodwill in fostering a business purpose; or

(4) Where the landowner maintains an attractive nuisance.

(c) A landowner who directly or indirectly invites or grants permission under subsection (a) does not:

(1) Confer upon the person a status for which a duty of care is owed;

(2) Extend any assurance that the land or premises is safe for a particular purpose or the recreational activity for which permission is given;

(3) Assume responsibility for injury to a person or property caused by any natural or artificial condition or structure;

(4) Assume responsibility for damage or injury to any other person or property caused by an act or omission of a third party;  
or

(5) Limit or remove the duty of a person using the land to exercise due care.

70-7-103.

If the title holder or owner of land does not reside on the land, and a person entitled to immediate possession of the land, or any lessee, occupant or other person in control of the land, invites or gives permission to a person to use the land for recreational activity, the title holder or owner of the land is not liable under this part for any injury or death resulting from the land's use for a recreational activity unless:

(1) The title holder or owner knows or has reason to know that the person entitled to immediate possession of the land, or any lessee, occupant or other person in control of the land, is engaging in conduct described in § 70-7-102(b); and

(2) The title holder or owner fails to make a good faith attempt to prevent the person entitled to immediate possession of the land, or any

lessee, occupant or other person in control of the land, from engaging in such conduct.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.